

18CV56926

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF WASCO

JACOB EVAN WAKEMAN, by and through his
Guardian Ad Litem, KRISTINA ENSBURY,

Plaintiff,

v.

JUSTIN L. GAIGE, CAIEN A. GAIGE, and
ANDREUA S. KNIGHT,

Defendants.

Case No. 18CV56926

**STIPULATED GENERAL JUDGMENT AND MONEY
AWARD**

This matter came before the court based on the stipulation of the plaintiff and of defendants, Justin L. Gaige and Andreua S. Knight. Plaintiff is represented by Andrew J. Myers of Peachey Davies & Myers, PC. Defendants Justin Gaige and Andreua Knight are not currently represented but have been advised that they should seek counsel.

The parties stipulate to the following findings of fact:

1. Plaintiff, Jacob Evan Wakeman, is a minor and is represented in this matter by his guardian ad litem, Kristina Ensbury;
2. Defendants, Justin L. Gaige and Andreua S. Knight, are the parents of Cainen A. Gaige;
3. Defendant, Cainen A. Gaige, is not a party to this Stipulated General Judgment;
4. On December 9, 2017, at the time of the incident which serves as the basis for plaintiff's claims, Cainen A. Gaige resided at 1524 Quinton Street in the Dalles with his parents;

1- STIPULATED GENERAL JUDGMENT AND MONEY AWARD

PEACHEY DAVIES & MYERS, PC
ATTORNEYS AT LAW
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The Dalles, OR 97058
PH.: 541.296.6375; Fax: 877.625.4324; Email: gorgelaw@gorge.net

- 1 5. Prior to December 9, 2017, defendants Justin Gaige and Andreua Knight knew that Cainen
2 Gaige had access to an AR-15 rifle along with clips and ammunition and also knew it was
3 dangerous for Cainen to have access to the rifle and ammunition;
- 4 6. Access to the AR-15 by Cainen was dangerous because: (a) he was a minor; (b) he lacked
5 firearms training; (c) he was addicted to drug use; (d) he was a convicted felon; and (e) he had
6 demonstrated an inability to regulate his behavior;
- 7 7. Although they knew that Cainen had access to the AR-15 and knew of the danger of Cainen
8 using the weapon inappropriately as detailed above, Justin Gaige and Andreua Knight failed
9 to take reasonable steps to dispose of the rifle or to secure it;
- 10 8. On December 9, 2017, plaintiff Wakeman and Cainen Gaige were inside the residence owned
11 by Justin Gaige and Andreua Knight when Cainen discharged the AR-15 striking plaintiff
12 Wakeman in the throat and upper arm;
- 13 9. Justin Gaige and Andreua were negligent in failing to take reasonable steps to prevent injury
14 to plaintiff Wakeman;
- 15 10. Plaintiff Wakeman's injuries are serious and permanent and have required hospital
16 confinement and extensive medical treatment;
- 17 11. Plaintiff Wakeman's injuries have caused him pain and suffering and have resulted in a
18 permanent vocal disability.

19 NOW THEREFORE, BASED ON THE STIPULATION OF THE PARTIES, IT IS ADJUDGED:

- 20 1. That plaintiff's first claim for relief against Cainen Gaige is dismissed with prejudice;
- 21 2. That on plaintiff's second claim for relief against Justin Gaige and Andreua Knight (for
22 negligent entrustment) plaintiff shall recover his economic damages of \$ 188,000 and
23 Non-economic damages of \$2,800,000;

2 - STIPULATED GENERAL JUDGMENT AND MONEY AWARD

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3. That on plaintiff's third claim for relief against Justin Gaige and Andreua Knight (for negligent supervision) plaintiff shall recover his economic damages of \$ 188,000 and non-economic damages of \$2,800,000;

4. That on plaintiff's fourth claim for relief against Justin Gaige and Andreua Knight (for premises liability) plaintiff shall recover his economic damages of \$ 188,000 and non-economic damages of \$2,800,000.

MONEY AWARD

Judgment Creditor: Plaintiff, Jacob Wakeman, through his guardian ad item, Kristina Ensburry

Attorney for Judgment Creditor: Andrew J. Myers
Peachey Davies & Myers, PC
401 E. 3rd Street, Ste 105
The Dalles, OR 97058
541-296-6375

Judgment Debtors: Justin L. Gaige
1524 Quinton Street
The Dalles, OR 97058

Andreua S. Knight
1524 Quinton Street
The Dalles, OR 97058

Person or public body entitled to
Any Portion of payments on judgment: None

Principal amount of judgment: \$ 2,988,000

Prejudgment interest: None

3- STIPULATED GENERAL JUDGMENT AND MONEY AWARD

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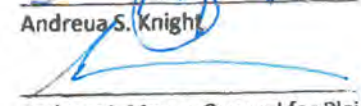
1 Postjudgment interest: 9% per annum from the date of entry of the judgment.

2 Costs: None

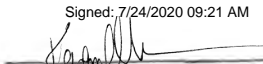
3 IT IS SO STIPULATED:

4 
5 Justin L. Gaige

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7 Andreua S. Knight

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9 Andrew J. Myers, Counsel for Plaintiff

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11 Signed: 7/24/2020 09:21 AM

12 
13 Circuit Court Judge Karen Ostrye

14 STIPULATED GENERAL JUDGMENT AND MONEY AWARD

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CERTIFICATE OF COMPLIANCE

This proposed order or judgment is ready for judicial signature because:

1. ☒ Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
2. ☐ Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
3. ☐ I have served a copy of this order or judgment on each party entitled to service and:
 - a. ☐ No objection has been served on me.
 - b. ☐ I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. ☐ After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.
3. ☐ Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
4. ☐ This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of this rule.
5. ☐ Other: _____

Dated this 23rd day of July 2020.

PEACHEY DAVIES & MYERS, P.C.

s/ Andrew J. Myers

Andrew J. Myers, OSB No. 094554
Of Attorneys for Plaintiff
amyers@gorgelaw.com

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5 - STIPULATED GENERAL JUDGMENT AND MONEY AWARD

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CERTIFICATE OF SERVICE

I certify that I served a true copy of the foregoing *Stipulated General Judgment and Money Award* on Justin L. Gaige and Andreua Knight, by mailing said copy to them at their address on file with the Court of 1524 Quinton Street, The Dalles, Oregon 97058.

I further certify that a true copy of the foregoing Judgment was served upon Defendant Cainen Gaige by mailing to him at MacLaren, 2630 N. Pacific Highway, Woodburn, OR 97071-8999, where he is a resident.

DATED this 23rd day of July 2020.

s/ Andrew J. Myers

Andrew J. Myers, OSB No. 094554

6 - STIPULATED GENERAL JUDGMENT AND MONEY AWARD

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